

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff(s),

vs.

REDROCK PARK HOMEOWNER'S
ASSOCIATION, et al.,

Defendant(s).

Case No. 2:16-cv-00659-JCM-NJK

ORDER

As the Court noted recently, it has been on a months' long odyssey to analyze its subject matter jurisdiction over this case. *See* Docket No. 50 at 1-4. Edward Sun had been identified by attorney Jeff Brauer as an LLC member whose citizenship is pertinent to the diversity jurisdiction analysis. Docket No. 20 at 2.¹ The Court then issued numerous orders attempting to ascertain Mr. Sun's citizenship, and the requirements of those orders went unsatisfied. *See* Docket No. 50 at 1-4. The Court therefore sanctioned Mr. Sun \$1,000, and again ordered him to submit a proper declaration or face contempt

¹ Mr. Brauer's representations with respect to this matter have been inconsistent. Mr. Brauer later argued that Mr. Sun's citizenship was irrelevant because he is a member of a series LLC that is not technically party to this action. *See* Hearing Rec. (8/18/2016) at 9:47 - 9:50 a.m. More recently, Mr. Brauer represented that the series LLC was the actual purchaser of the disputed property that is subject to the instant dispute, not the named LLC. *See* Docket No. 54 at 2 (asserting that "the Series LLC purchased the property at issue in this action"). Unfortunately, Mr. Brauer has failed to clearly articulate (factually or legally) which entities are relevant to the Court's jurisdictional analysis, hindering the Court's ability to perform its duty of confirming subject matter jurisdiction.

1 proceedings. *See id.* at 6-8. Mr. Sun has now responded to that latest order, submitting a declaration
2 as to his citizenship and explaining his failure to comply with the Court's previous orders. Docket No.
3 57.

4 Mr. Sun's recent filing does not excuse his non-compliance with the Court's orders, but the
5 Court will **VACATE** the \$1,000 court fine imposed and substitute it with an **ADMONITION**.
6 Accordingly, the Court **INSTRUCTS** the Clerk's Office to refund Mr. Sun the \$1,000 he has deposited
7 with the Court.

8 In addition, the Court has concluded that complete diversity exists in this matter.² Accordingly,
9 the order to show cause regarding subject matter jurisdiction (Docket No. 13) is hereby
10 **DISCHARGED**.

11 IT IS SO ORDERED.

12 DATED: August 29, 2016

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NANCY J. KOPPE
United States Magistrate Judge

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16 cc: Finance
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27 ² Complete diversity exists regardless of whether the Court reviews the citizenship of the members
28 of LV Real Estate Strategic Investment Group, LLC Series 2601 or LV Real Estate Strategic Investment
Group, LLC or both.